

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re: Christopher Lance Roberts
Jordan Gabrielle Greene
Debtor(s)

Case No: 16-34006-H5-13

TRUSTEE'S MOTION TO DISMISS OR CONVERT TO A CHAPTER 7

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. If a response is filed, a hearing on this motion will be held at 9:30 am on Tuesday, November 15, 2016 at the U.S. Courthouse, 515 Rusk, Courtroom # 403.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

COMES NOW, William E. Heitkamp, Chapter 13 Trustee moves TO DISMISS, and would show the Court that the above-referenced case should be dismissed for the following:

1. The Chapter 13 Plan must be amended to provide for payment in full of the secured and priority claims within the term of the plan.
2. The plan does not meet the requirements of 11 U.S.C. Sec. 1325(b) (the disposable income test).
3. Jordan Greene must provide proof of current income. The plan does not meet the requirements of 11 U.S.C., Section 1325(a)(5), the plan does not provide for the present value on allowed secured claims.

Wherefore, the Trustee prays that the case be dismissed, or converted to Chapter 7, whichever shall be determined to be in the creditors' best interest.

RESPECTFULLY SUBMITTED,

/s/ William E. Heitkamp

WILLIAM E. HEITKAMP, TRUSTEE

ADMISSIONS ID NO. 3857

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this foregoing document was sent to the Debtor(s), Debtor's Attorney, the U.S. Trustee and all parties requesting notice on or about the time this document was electronically filed with the Clerk on 10/4/2016.

Electronically signed by

/s/ William E. Heitkamp

William E. Heitkamp, Chapter 13 Trustee